



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

JANUARY 23, 2006

*Commissioner Tom Moss, Chairman
Commissioner Joe Ford, Chairman Pro Tempore
Commissioner Marilyn Loeffel
Commissioner George Flinn
Commissioner John Willingham
Commissioner Walter Bailey, Jr.
Commissioner Julian T. Bolton*

*Commissioner Deidre Malone
Commissioner Michael Hooks
Commissioner Cleo Kirk
Commissioner Joyce Avery
Commissioner David Lillard
Commissioner Bruce Thompson*

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Deputy Sheriff Ricky Jackson

INVOCATION

Reverend Brad Gabriel
Colonial Park United Methodist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

LOEFFEL
ADOPTED

January 9, 2006

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

Ordinances

THOMPSON
APPROVED

1. ORDINANCE – SECOND READING – An Ordinance to amend Ordinance No. 260 entitled “An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee,” relative to police emergency alarm services.

Zoning and Subdivisions

**LOEFFEL
ADOPTED
(A-B)**

2. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**LILLARD
(DEFERRED
TO 02/06/06)**

3. Resolution amending the FY 2005/2006 Budget and appropriating funds in the amount of \$75,373.50 for the joint funding agreement with the City of Memphis for the development of a Storm Water Management Manual from the FY 2005/2006 Budget for Account Number 010-200301-6637, Outside Contracts.

**LILLARD
ADOPTED**

4. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$50,200.00 to 3M Health and Safety Services for the purchase of 2,008 on-line respirator medical evaluations for the Memphis Police and Germantown Police Departments.

**LILLARD
ADOPTED**

5. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$67,360.00 to Polaris of Memphis for the purchase of eight (8) all terrain utility vehicles for Lauderdale County.

**LILLARD
ADOPTED**

6. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$67,800.00 to ESI Companies for the purchase of one (1) building security system for the Memphis and Shelby County Emergency Management Agency.

**LILLARD
ADOPTED**

7. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$70,000.00 to Care Safety LLC for the purchase of two (2) RAE Systems Rapid Deployment Kits for Crittenden County, Arkansas.

**LILLARD
ADOPTED**

8. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$75,384.00 to Sea Ark Marine, Inc., for the purchase of one River Runner Boat for the City of Memphis Police Department.

**AVERY
ADOPTED**

9. Resolution to amend the FY 2005/2006 Operating Budget for Shelby County Government to allow expenditures of \$727,551.45 used to replace funds for the state aid asphalt overlay project and an additional \$233,228.24 to replace funds used for the unforeseen expansion of the existing asphalt overlay contract with Standard Construction, for a total of \$960,779.69.

**AVERY
ADOPTED**

10. Resolution approving a sub-grant agreement between Shelby County Government and Comprehensive Counseling Network for services in connection with a federal grant for the expansion of treatment and services for Shelby County detainees with co-occurring disorders.

**THOMPSON
ADOPTED**

11. Resolution approving a sub-award to the Shelby County schools in the amount of \$4,834.00 net of required matching contribution pursuant to the Juvenile Accountability Block Grant for the term October 1, 2005 to September 30, 2006.

**THOMPSON
ADOPTED**

12. Resolution awarding a sub-award to the Commission on Missing and Exploited Children in the amount of \$42,691.00 net of required matching contribution pursuant to the Juvenile Accountability Block Grant for the term October 1, 2005 to September 30, 2006.

**LOEFFEL
ADOPTED**

13. Resolution establishing a moratorium on the acceptance of applications and the issuance of permits for adult businesses in unincorporated Shelby County for a period of six months.

**AVERY
ADOPTED**

14. Resolution requesting Shelby Farms Master Plan Committee to develop in coordination with the Board of Commissioners of Shelby County, Tennessee, and the Shelby County Government Administration, a draft Conservation Easement for the protection of Shelby Farms.

**FORD
ADOPTED**

CONSENT AGENDA

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

**FORD
ADOPTED**

15. Resolution approving the County Mayor's nomination of Jose Leon and Dr. Brenda Taylor for appointment to the *Head Start Policy Council Community Advisory Board*.

Ordinances

Zoning and Subdivisions

**LOEFFEL
(DEFERRED
TO 02/20/06)**

16.

CASE NO. P.D. 05-345 CC

APPLICANT: Grey's Hollow, LLC

LOCATION: Southeast corner of Walnut Grove Road and Bazeberry Road

REQUEST: Mixed use planned development consisting of residential, office and commercial uses within the Plan

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, October 14, 2005 and republished on December 30, 2005.)

Reports and/or Resolutions for Standing Committees

**KIRK
ADOPTED**

17.

A resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding One Hundred Seventy Million Dollars (\$170,000,000.00) of General Obligation Variable Rate Demand Public Improvement and School Bonds, 2006 Series B, authorized by the initial resolutions adopted by the Board of County Commissioners of Shelby County, Tennessee, on July 29, 2002, December 16, 2002, July 12, 2004 and March 28, 2005, for the purpose of refinancing all or a portion of the county's Outstanding Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2004 Series A, and Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2005 Series A, previously issued for the purpose of providing funds for Public Works projects and school purposes in Shelby County, Tennessee; authorizing the use of a Preliminary Official Statement, Notice of Sale and Bid forms in connection with the sale of such bond; authorizing the use of an Official Notice relative to obtaining Competitive Bid for a Credit Facility or Liquidity Facility; authorizing the County Mayor to accept the best bids for the purchase of the bonds and for the provider of the credit facility or liquidity facility; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an official statement in connection therewith; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection

with the sale of such bonds; and providing an effective date hereof.

**KIRK
ADOPTED**

18. A resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay as the same shall become due, the interest on and principal amount of not exceeding Ninety Million Dollars (\$90,000,000.00) of General Obligation Public Improvement and School Bonds, 2006 Series A authorized by the initial resolutions adopted by the Board of County Commissioners of Shelby County, Tennessee, on July 29, 2002, December 16, 2002, July 12, 2004 and March 28, 2005, for the purpose of refinancing all or a portion of the county's Outstanding Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2004 Series A, and Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2005 Series A, previously issued for the purpose of providing funds for Public Works projects and school purposes in Shelby County, Tennessee; authorizing the use of a Preliminary Official Statement, Notice of Sale, Summary Notice of Sale and Bid Forms, in connection with the sale of such bond; authorizing the County Mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an official statement in connection therewith; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing and effective date hereof.

**WILLINGHAM
(DEFERRED
TO 02/06/06)**

19. Resolution approving Mediation Settlement Agreement in the case of Morgan & Thornburg, Inc., VS. M.A. Mortenson Company, et al, U.S. District Court Docket Number 05-2109 and resolving all of any construction claims relative to the construction of the Fedex Forum.

**FORD
ADOPTED**

20. Resolution to amend Shelby County Retirement System Plan A to reflect transitions to Plan C, to otherwise conform it to Plan C, and to make certain other miscellaneous changes of a remedial nature.

**FORD
ADOPTED**

21. Resolution to amend Shelby County Retirement System Plan C to address issues relating to the transition from Plan A, to otherwise conform it to Plan A, and make certain other miscellaneous changes primarily of a remedial nature.

**FORD
ADOPTED**

22. Resolution to amend Administration and Trust Agreement of Shelby County, Tennessee, Retirement System to change the identity of the Secretary of the

Board and to provide for the appointment of a Secretary Pro Tem and to change the limitation on international investments from 12% to 30% of the Trust assets.

**BOLTON
ADOPTED**

23. Resolution by the Board of Commissioners of Shelby County, Tennessee, approving contract with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC for the provision of governmental relations and lobbying services for matters before the Tennessee General Assembly.

**BOLTON
(DEFERRED
TO 02/06/06)**

24. Resolution by the Board of County Commissioners of Shelby County, Tennessee, expressing support for Senate Bill Number 2197 and House Number Bill 1715, relative to Predatory Lending.

**BOLTON
ADOPTED**

25. Resolution receiving and filing the report titled “PILOT Evaluation Program Project from URS Corporation and Nexgen Advisors” dated December 1, 2005.

Announcements/Statements

26. Notification from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor’s nomination of Robert D. Olsen for appointment to the Memphis and Shelby County *Center City Commission*.

Adjournment

**FORD
ADOPTED**

27. Resolution of Adjournment to February 6, 2006, at 1:30 p.m.

AGENDA # 2
DATE JANUARY 23, 2006

2A

SUBDIVISION: AFTON GROVE P.D. PHASE 4, (P.D. 01-319 CC)

DEVELOPER: AFTON GROVE PARTNERS

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO AFTON GROVE P.D. PHASE 4, (P.D. 01-319 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF FOREST HILL IRENE ROAD ±1000 FEET SOUTH OF CORDOVA PARK DRIVE.

2B

SUBDIVISION: BRUNSWICK COURT P.D. (P.D. 01-308 CC)

DEVELOPER: MILLS ENTERPRISES

ACTION: RESOLUTION TO APPROVE THE PLAT FOR BRUNSWICK COURT P.D. (P.D. 01-308 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF BRUNSWICK ROAD ± 2000 FEET SOUTH OF OLD BROWNSVILLE ROAD.

[If you have questions regarding the Agenda, please call Steve Summerall, Chief Administrator, at 545-4301.]